

REMARKS

In accordance with the foregoing, the specification has been amended to improve form and provide improved correlation with the drawings and claims. Claims 1-20 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §112:

On page 2 of the Office Action, the Examiner rejects claim 7 under 35 U.S.C. §112, second paragraph, as being indefinite. The rejection is respectfully traversed and reconsideration is requested.

As a general principle, 35 U.S.C. §112, second paragraph, requires that the claims be written such that, in light of the specification, one of ordinary skill in the art would understand the metes and bounds of the invention with a reasonable degree of precision. As such, claims that otherwise appear indefinite when read in a vacuum can be made definite upon review of the specification. In re Moore, 1619 USPQ 236, 238-239 (CCPA 1971). It is only when, in light of the specification and given their broadest reasonable meaning, a recited term that remains unclear to one of ordinary skill in the art is said to be indefinite for the purposes of 35 U.S.C. §112, second paragraph. In re Wiggins, 179 USPQ 421,423-424 (CCPA 1973), see also MPEP 2173.02. Further, a claim term is indefinite where a meaning can have conflicting results, causing confusion to the person of ordinary skill in the art. Compare In re Moore, 1619 USPQ at 239 (term fluorinated is definite since all fluorination products produce the same type of product) with In re Wiggins, 179 USPQ at 423 (recited "heterocyclic group" is indefinite as encompassing groups having different properties than the claimed properties). Therefore, in order to establish a *prima facie* case of indefiniteness, the Examiner needs to provide evidence that a claim limitation, in view of the specification and the prior art as understood by one of ordinary skill in the art, would be sufficiently unclear as to not allow the person of ordinary skill in the art to understand the metes and bounds of the claim. See, MPEP 2173.02.

The Examiner rejects claim 7 since the Examiner asserts that a "dry wound filter" is not clear to one of ordinary skill in the art. However, the Examiner has not provided evidence as to how, in light of the above factors, one of ordinary skill in the art would not understand the metes and bounds of the recited "dry wound filter" as opposed to a wound filer, as interpreted by the Examiner. Moreover, it is noted that usage in the claims is consistent with the usage in the specification such that there is no conflict between the claimed invention, as filed, and the specification, as filed. Therefore, it is respectfully requested that the Examiner reconsider and

withdraw the rejection.

REJECTIONS UNDER 35 U.S.C. §102:

On pages 3-4 of the Office Action, the Examiner rejects claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Yamamoto (U.S. Patent No. 6,279,587). The rejection is respectfully traversed and reconsideration is requested.

By way of review, Yamamoto discloses two parts washers: a parts washer 10 shown in FIG. 1, and another parts washer 120 shown in FIG. 2. The parts washer 10 includes a basin 12 connected to a container 20, which holds a solvent 22. A pump 38 pumps the solvent 22 out of the container 20, through a filter 32, and the filtered solvent 22 is pumped into the basin 12. However, there is no suggestion of another filter, or that a solvent recycling unit having such a filter is used.

In contrast, the parts washer 120 shown in FIG. 2 includes a recycling apparatus 122 which is designed to operate while the parts washer 120 is operating. As such, the parts washer 120 shown in FIG. 2 does not include the filter 32 shown in the parts washer 10 shown in FIG. 1. (Col. 5, lines 39-45). Therefore, where the recycling apparatus 122 is used, there is no suggestion that the filter 32 is also used.

In contrast, claim 1 recites, among other features, "a washing system which is connected to the reservoir and to the basin such that the solvent from the reservoir is moved past a first filter to remove portions of the paint and/or the related spray coatings in the solvent" and "a recycling system which is connected to the reservoir and to the basin such that the solvent from the reservoir is moved past a second filter to remove portions of the paint and/or the related spray coatings in the solvent." As such, it is respectfully submitted that Yamamoto does not disclose or suggest the invention of claim 1.

Additionally, to the extent that the container 20 of the parts washer 10 in FIG. 1 is connectable to a recycling apparatus, Yamamoto describes the detachable recycling apparatus as being independent. (Col. 1, lines 50-55, col. 3, lines 37-61). Thus, the control box 44 only controls the parts washer 10 of FIG. 1 as opposed to the detachable recycling apparatus. As such, there is no disclosure that the parts washer 10 of FIG. 1 controls the independent recycling apparatus.

In contrast, claim 1 recites, among other features, "a control system which controls the washing system to supply filtered solvent from the reservoir to the basin to remove the paint and/or the related spray coatings from the coated article during a washing operation, and which

controls the recycling system during a recycling operation to move the solvent from the reservoir to the basin so as to maintain the solvent." As such, it is respectfully submitted that Yamamoto does not disclose or suggest the invention of claim 1.

Lastly, Yamamoto discloses that the solvent 22 can be petroleum or water based. However, there is no suggestion as to the type of solvent, whether the solvent is both aqueous based as well as having other properties, or that the solvent is biodegradable. While the Examiner asserts, without support, that Yamamoto may be capable of handling such solvents, Yamamoto does not specifically disclose the type of solvents 22. In contrast, claim 2 recites, among other features, that "the solvent comprises an aqueous, Hazardous Pollutants (HAPs) free, low VOCs (volatile organic compounds), non-flammable, non-toxic, non-carcinogenic, solvent." Further claim 3 recites that "the solvent comprises a biodegradable and water dilutable solvent designed for the removal of residual paints." As such, it is respectfully submitted that Yamamoto further does not disclose or suggest the invention of claims 2 and 3.

REJECTIONS UNDER 35 U.S.C. §103:

On pages 4-7 of the Office Action, the Examiner rejects claims 1-4 and 8-11 under 35 U.S.C. §103(a) in view of Ihringer (U.S. Patent No. 4,407,316) in view of Yamamoto. The rejection is respectfully traversed, and reconsideration is requested.

On pages 5-6 of the Office Action, the Examiner admits that Ihringer does not disclose a filter for each of a washing system and a recycling system. In order to cure this deficiency, the Examiner relies upon the filter 32 of Yamamoto since Yamamoto teaches that the filter 32 can remove particles over 2 to 3 mil. However, as noted above, Yamamoto only suggests using one filter when the recycling apparatus is incorporated into the parts washer. As such, Yamamoto does not suggest using the filter 32 in a system such as that shown in Ihringer, which incorporates distillation columns into a cleaning installation.

Moreover, since Ihringer relies upon distillation columns, Ihringer does not suggest a need for using filters in either or both of the washing system and the recycling systems as defined by the Examiner. As such, even assuming arguendo that Yamamoto suggests including a filter, Yamamoto does not suggest using the filter in the recycling system in addition to a washing system.

Further, Yamamoto teaches away from the purely integrated system shown in Ihringer since "a difficulty with this arrangement is that the parts washer cannot be used while the solvent is going through the recycling process" and since "if a breakdown occurs during the recycling

process, the parts washer is out of commission totally until the recycling apparatus is repaired." (Col. 1, lines 44-49). Therefore, the combined teachings of Yamamoto and Ihringer would not result in a washing system and recycling system having filters as recited in claim 1.

In contrast, claim 1 recites, among other features, "a washing system which is connected to the reservoir and to the basin such that the solvent from the reservoir is moved past a first filter to remove portions of the paint and/or the related spray coatings in the solvent" and "a recycling system which is connected to the reservoir and to the basin such that the solvent from the reservoir is moved past a second filter to remove portions of the paint and/or the related spray coatings in the solvent." As such, it is respectfully submitted that the combination does not disclose or suggest the invention of claim 1.

In addition, Ihringer describes the use of a particular solvent: 2-N-methyl-pyrrolidone. There is no suggestion that 2-N-methyl-pyrrolidone includes the features of the solvent recited in claims 2 and 3. To the extent that the Examiner relies upon 2-N-methyl-pyrrolidone inherently having each feature of claims 2 and 3, it is respectfully requested that the Examiner provide evidence that 2-N-methyl-pyrrolidone necessarily includes each and every feature of the claimed solvent.

Additionally and as noted above, Yamamoto discloses that the solvent 22 can be petroleum or water based. However, there is no suggestion as to the type of solvent, whether the solvent is both aqueous based as well as having other properties, or that the solvent is biodegradable. Moreover, while the Examiner asserts, without support, that Yamamoto may be capable of handling such solvents recited in claims 2 and 3, Yamamoto does not specifically disclose the type of solvents. In contrast, claim 2 recites, among other features, that "the solvent comprises an aqueous, Hazardous Pollutants (HAPs) free, low VOCs (volatile organic compounds), non-flammable, non-toxic, non-carcinogenic, solvent." Further claim 3 recites that "the solvent comprises a biodegradable and water dilutable solvent designed for the removal of residual paints." As such, it is respectfully submitted that the combination does not disclose or suggest the invention of claims 2 and 3.

For at least similar reasons, it is respectfully submitted that the combination does not disclose or suggest the invention of claims 10 and 11.

Also, the Examiner relies upon the pump 4 of Ihringer as disclosing a control system which selectively moves the solvent as recited in claim 4. By way of review, claim 4 recites, among other features, that "the control system further comprises a pump which selectively moves the solvent from the reservoir through the washing system and the recycling system."

However, Ihringer teaches the pump 4 pumps the 2-N-methyl-pyrrolidone solvent from the receptacle 3 through a feed conduit 21 to the nozzles 2, and, using a branch conduit 6, to a fractional distillation column 7. There is no indication as to how the pump 4 is integrated into a control system or how the pump 4 selectively acts to pump the 2-N-methyl-pyrrolidone solvent into the feed conduit 21 and/or the branch conduit 6. Since Yamamoto is not relied upon as disclosing such a feature, it is respectfully submitted that the combination does not disclose or suggest the invention of claim 4.

Similarly, since the pump 4 cannot control the flow of the 2-N-methyl-pyrrolidone solvent, the Examiner acknowledges that Ihringer does not suggest that controlling the 2-N-methyl-pyrrolidone solvent to pass through one filter as opposed to another filter. In order to cure this deficiency, the Examiner relies upon Yamamoto. However, as noted above, Yamamoto does not suggest using dual filters. Specifically, to the extent that a filter 32 is used, Yamamoto specifically suggests that the recycling apparatus (not shown) is detachable such that no single control system controls the flow into the filter 32 as opposed to into the independent recycling apparatus. Further, where the recycling apparatus 122 is used, there is no filter 32. As such, there is no suggestion in either Ihringer or Yamamoto that the "the control system further comprises a pump which selectively moves the solvent from the reservoir through the washing system and the recycling system" and that the "first filter is other than the second filter such that, during the washing operation, the control system controls the solvent to pass through the first filter but to not pass through the second filter" as recited in claim 8.

Further, to the extent that the recycling system 122 is operated intermittently by the microprocessor circuit board 85, Yamamoto operates the pump 38 while the recycling apparatus 122 is operating. Thus, Yamamoto does not disclose not operating the pump 38 while operating the recycling system 122, or that there would be an advantage in so doing. Since Ihringer is not relied upon as disclosing such a feature, it is respectfully submitted that the combination does not disclose or suggest, among other features, that "the first filter is other than the second filter such that, during the recycling operation, the control system controls the solvent to pass through the second filter" as recited in claim 9.

On pages 7-8 of the Office Action, the Examiner rejects claims 5, 12 and 15 under 35 U.S.C. §103(a) in view of Ihringer, Yamamoto, and Ozyjiwsky (U.S. Patent No. 5,107,876). The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's construction of Ihringer, Yamamoto, and Ozyjiwsky is correct and that the combination is otherwise proper, the Examiner does not rely

upon Ozyjiwsky to cure the above noted deficiency of the combination of Ihringer and Yamamoto as applied to claim 4, from which claims 5, 12, and 15 depend. As such, it is respectfully submitted that the combination does not disclose the features of claims 5, 12, and 15.

On pages 8-10 of the Office Action, the Examiner rejects claims 6, 16 and 20 under 35 U.S.C. §103(a) in view of Ihringer, Yamamoto, and Robb et al. (U.S. Patent No. 4,793,369). The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's construction of Ihringer, Yamamoto, and Robb et al. is correct and that the combination is otherwise proper, the Examiner does not rely upon Robb et al. to cure the above noted deficiency of the combination of Ihringer and Yamamoto as applied to claims 1 and 4, from which claims 6, 16, and 20 correspondingly depend. As such, it is respectfully submitted that the combination does not disclose the features of claims 6, 16, and 20.

The Examiner acknowledges on page 8 of the Office Action that the combination of Ihringer and Yamamoto do not disclose the use of a basin having a grate and an inlet. In order to cure this deficiency, the Examiner relies upon the mesh 50 of Robb et al. However, to the extent that Robb et al. suggests using the mesh 50 as a surface 51 to support parts, it is noted that Ihringer and Yamamoto already disclose similar surfaces in the chamber 1 of Ihringer and the screen 19 of Yamamoto. As such, it is unclear as to why the mesh 50 of Robb et al. should be disposed in the recited location.

Further, Yamamoto specifically teaches against the use of a fixed basin within the sink, such as that shown in Robb et al. Specifically, Yamamoto teaches having a detachable container 20, which has the advantages of allowing the container 20 to be "easily pulled out and replaced with another tank or drum." A detachable container 20, which is shown on a dolly 94, which would more easily allow an exchange "where it is desirable to change to a different type of solvent" or to "install container or tank 20 initially." (Col. 4, lines 33-67 of Yamamoto.) Thus, Yamamoto specifically teaches against using an integrated basin and sink, as described in Robb et al.

In maintaining a prima facie obviousness rejection, the Examiner is required to evaluate the record as a whole, and to account for contrary teachings existing in the record. In re Young, 18 USPQ2d 1089 (Fed. Cir. 1991) cited by MPEP 2143.01. As such, in view of the record as a whole, it is respectfully submitted that there is insufficient evidence of a motivation to combine the references in a manner in which "the basin further comprises an inlet and a grate disposed above the inlet and a bottom surface of the basin, the reservoir is defined between the bottom

surface and the grate, and the pump removes the solvent from the reservoir through the inlet during the washing operation and the recycling operation" as recited in claim 6.

On pages 10-11 of the Office Action, the Examiner rejects claim 7 under 35 U.S.C. §103(a) in view of Ihringer, Yamamoto, and Penguin™ Filter Pump Industries and Perez et al. (U.S. Patent No. 5,947,057). The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's construction of Ihringer, Yamamoto, and Penguin™ Filter Pump Industries and Perez et al. are correct and that the combination is otherwise proper, the Examiner does not rely upon Penguin™ Filter Pump Industries and Perez et al. to cure the above noted deficiency of the combination of Ihringer and Yamamoto as applied to claim 4, from which claim 7 depends. As such, it is respectfully submitted that the combination does not disclose the features of claim 7.

On pages 11-12 of the Office Action, the Examiner rejects claims 13, 14 and 17 under 35 U.S.C. §103(a) in view of Ihringer, Yamamoto, Ozyjiwsky, and Robb et al.. The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's construction of Ihringer, Yamamoto, Ozyjiwsky, and Robb et al. are correct and that the combination is otherwise proper, the Examiner does not rely upon Robb et al. to cure the above noted deficiency of the combination of Ihringer, Yamamoto, and Ozyjiwsky as applied to claim 12, from which claims 13, 14, and 17 depend. As such, it is respectfully submitted that the combination does not disclose the features of claims 13, 14 and 17.

On pages 12-13 of the Office Action, the Examiner rejects claim 18 under 35 U.S.C. §103(a) in view of Ihringer, Yamamoto, Ozyjiwsky, and Magliocca (U.S. Patent No. 6,398,877). The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's construction of Ihringer, Yamamoto, Ozyjiwsky, and Magliocca are correct and that the combination is otherwise proper, the Examiner does not rely upon Magliocca to cure the above noted deficiency of the combination of Ihringer, Yamamoto, and Ozyjiwsky as applied to claim 12, from which claim 18 depends. As such, it is respectfully submitted that the combination does not disclose the features of claim 18.

On page 13 of the Office Action, the Examiner rejects claim 19 under 35 U.S.C. §103(a) in view of Ihringer, Yamamoto, Ozyjiwsky, Magliocca and Robb et al.. The rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's construction of Ihringer, Yamamoto, Ozyjiwsky, Magliocca and Robb et al. are correct and that the combination is otherwise proper, the Examiner does not rely upon Robb et al. to cure the above noted deficiency of the combination of Ihringer, Yamamoto, Ozyjiwsky, and Magliocca as applied to claim 18, from which claim 19 depends. As such, it is respectfully submitted that the combination does not disclose the features of claim 19.

Further, for reasons similarly set forth above in relation to the rejection of claim 6, in view of the record as a whole, it is respectfully submitted that there is insufficient evidence of a motivation to combine the references in a manner in which "the basin further comprises an inlet and a grate disposed above the inlet and a bottom surface of the basin, the reservoir is defined between the bottom surface and the grate, and the pump removes the solvent from the reservoir through the inlet during the washing operation and the recycling operation" as recited in claim 19.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

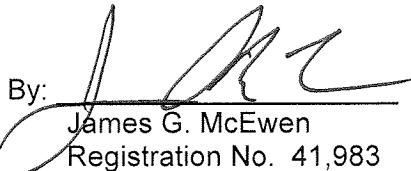
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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